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EXAMINER

JARRETT, SCOTT L

ART UNIT

PAPER NUMBER

3624

NOTIFICATION DATE

DELIVERY MODE

01/26/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@davidjudson.com

**Office Action Summary****Application No.**

10/775,466

**Applicant(s)**

BARNI, MEGHAN M.

**Examiner**

SCOTT L. JARRETT

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1-8 and 10-14 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☒ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CIB) Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. This Non-Final Office Action is in response to Applicant's request for continued examination filed July 26, 2010. Applicant's submission amended claims 1 and 10, canceled claim 9 and added new claims 12-14. Currently Claims 1-8 and 10-14 are pending.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 26, 2010 has been entered.

***Response to Amendment***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-8 and 10-14 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., first/second entities are employees, Last Paragraph, Page 6; customized patterns set by supervising entity, Paragraph 1, Page 7) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument that the prior art of record fails to teach or suggest scheduled patterns/sets of patterns the examiner respectfully disagrees. Applicant's disclosure fails to provide a clear or concise definition for the phrase pattern, therefore the phrase has been given its broadest reasonable interpretation in light of the specification and knowledge of one skilled in the art at the time of the invention.

Specifically, for the purposes of examination, the phrase pattern has been interpreted to include any of the following: template, something that repeats, ritual, custom, regime, regimen, routine, drill, work shift, work schedule, bid line, an

established and often automatic or monotonous series of actions followed when engaging in some activity, or the like.

It is noted that the applicant did not challenge the officially cited facts in the previous office actions therefore those statements as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention to rank bids, using any number of ranking, sorting, or prioritization rules, approaches, or techniques, is old and very well known.

#### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Employee Bidding on Customized Work Schedule Patterns in a Call Center.

***Claim Objections***

6. Claims 2 and 10 objected to because of the following informalities. Appropriate correction is required.

Regarding Claim 2, Claim 2 recites identifying a sorting preference however, the method, as currently recited does not utilize the preference for anything (i.e. does not actually sort based on the preference) accordingly claim 2 recites non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific sorting preferences identified. Further, the structural elements remain the same regardless of the specific sorting preferences identified (i.e. just data). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claim 10, the status of claim 10 is incorrect. The status should be currently amended instead of the recited previously presented.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6 and 10-14 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention, IEX TotalView as evidenced by at least the following references:

- I. IEX.com Web Pages (Feb. 2002), herein after reference A;
- II. IEX.com Web Pages (Oct.-Nov., 2002), herein after reference B;

An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

In response to this requirement, please provide the citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.

In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant's invention, particularly as to developing (identification and

utilization of scheduled pattern sets, bidding of work schedules, shifts or vacations; as well as the provision of a supervisor interface to manage such). For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

For example manuals, user's guides, help files, brochures or other information related to the previous versions of at least IEX's TotalView product (e.g. manuals, sales presentations, brochures and/or help files from product versions 1, 2 or 3 – i.e. all versions available in 2002 or earlier).

In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to draft the claimed subject matter. For each publication, please provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art.

For example manuals, user's guides, help files, brochures or other information related to the previous versions of at least IEX's TotalView product (e.g. manuals, sales presentations, brochures and/or help files from versions 1-3, – i.e. all versions available in 2002 or earlier).

In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

In response to this requirement, please provide the names of any products or services that have incorporated the disclosed prior art of identification and utilization of



scheduled pattern sets, bidding of work schedules, shifts or vacations; as well as the provision of a supervisor interface to manage such.

In response to this requirement, please state the specific improvements of the claimed subject matter in claim 1 over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements. For those claims expressed as means or steps plus function, please provide the specific page and line numbers within the disclosure which describe the claimed structure and acts.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

Additional evidence for the public use or sale of the invention can be found in at least the following references:

- IEX Unveils agent webstation for totalview workforce management (IEX, September, 1999):
- IEX Expands web-based access for agents and supervisors (IEX, February 11, 2003): Paragraphs 1-3, Page 1
- IEX.com Web Pages (February 2003)
- Hollman, Titans of Time Management (2003): Paragraphs 1-2, Page 8
- TotalView Guide Version 3.7: Supervisor Interface: Pages 1-1, 2-1; Figure 2; First/Second Agent trading: Figures 1-11, 1-33; Pages 1-22, 1-23, Steps 1-11,

Pages 1-55, 1-56; Pages 1-55-1-16, 1-105; Supervisor Rules: Pages 1-56, 1-84; Schedule trading rules: Pages 1-79-1-82; Schedule Pattern Sort Page 1-107-1-109; Choosing Schedule Patterns for Bidding, Page 1-106; Sorting Schedule Patterns, Page 1-110-1-112; Pattern Display, Pages 1-115-1-117

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

Regarding Claim 1, IEX teaches a system (reference A: Figure on Page 23) and method operative in a work environment (call center) wherein entities (agents, employees, staff) to be schedule access a computer network using a client computer (reference A: Page 23) comprising:

- during a given time period, each of a set (group, location, call center, site, skill, full-time, part-time, etc.) of entities, irrespective of their seniority or ranking in the work environment, using an associated client computer to identify (determine, calculating, located, create, etc.) a plurality of schedule pattern (reference A: Column 1, Paragraphs 1-2, Page 5; Figures on Page 5 – see below; Column 2, Paragraph 2, Page 5; reference B: Paragraph 1, Page 1, Page 4), from a plurality of schedule pattern sets that are predetermined for the entity (reference A: Page 5; reference B: Page 4), a given schedule pattern set and a set of one or more bids with respect to one or more schedules that are associated with that given schedule pattern set (vacations, holidays, etc.; agent schedule bidding; reference A: Paragraphs 1-2, Bullets 3, 5, Page 4; Column 1, Paragraphs 1-2, Column 2, Paragraphs 1-2, Page 5; Paragraph 4, Page 10; Column 1, Paragraph 3, Column 2, Paragraph 3, Page 11; reference B: Last Two Paragraphs, Page 1; Paragraph 2, Bullets 3, 6, Page 3; Column 1, Paragraphs 1-2, Page 4; Column 2, Paragraphs 1-2, Page 4), the scheduled pattern sets being predetermined (e.g. created by supervising entity) based on an attribute (data, preferences, rules, parameters, etc.) associated with the entity (vacation, holidays, agent preferences, etc.; reference A: Column 2, Paragraph 1, Page 15; Paragraph 4,

Page 10; Last 8 Bullets, Page 11; reference B: Last Two Paragraphs, Page 1; Column 1, Paragraphs 1-2, Page 4; Column 2, Paragraphs 1-2, Page 4), wherein at least first/second entities having access to the schedule pattern sets views (e.g. Agent Webstation; ScheduleViewer; reference A: Bullet 1, Paragraphs 1-2, Page 2; Column 1, Figures on Page 3; reference B: Bullet 1, Page 5; Column 1, Page 6; Figure on Page 6)

- at the close of the given time period (reference B: Bullet, 2, Page 3; Column 1, Paragraph 5, Page 6) using one or more processing devices to select a given set of entities for schedule with respect to the given schedule pattern set (reference A: Paragraph 3, Bullets 1-2, 5, 7, Page 4; Column 2, Paragraphs 1-2, Page 5; Page 8; Column 2, Paragraph 2, Page 13; Column 2, Paragraphs 1-2, Page 15; Column 2, Paragraph 1, Page 19; Figures on Page 19; reference B: Second to Last Paragraph, Page 1; Paragraph 1, Page 2; Page 4);

- using one or more processing devices to assign the given set of entities to one or more candidate (potential, what-if, planned, forecasted, options, alternatives, etc.) schedules that are associated with the given pattern set ( reference A: Paragraph 3, Bullets 1-2, 5, 7, Page 4; Column 2, Paragraphs 1-2, Page 5; Page 8; Column 2, Paragraph 2, Page 13; Column 2, Paragraphs 1-2, Page 15; Column 2, Paragraph 1, Page 19; Figures on Page 19; reference B: Pages 4, 6, 11).

### Preference Scheduling

Preference scheduling allows agents to rank their shift preferences, including desired start time, end time, lunch time, number of days to work, days off, and more. The TotalView system automatically assigns each agent to the schedule that best meets their preferences, automatically accounting for seniority or other ranking criteria. Through preference scheduling, your contact center gains maximum flexibility to meet changing needs while increasing agent satisfaction with their schedules.

Figure 1: Page 1, IEX.com reference B

### Schedule Management

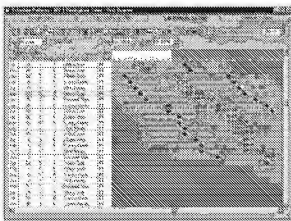
Assigned schedules are easily manipulated through the TotalView system's unique graphical schedule management screen. Intuitive icons clearly show each agent's assigned activity throughout the day. Activities can quickly be added, deleted, or rescheduled simply by dragging and dropping their icons.

- Schedules can be sorted and filtered by start time, agent name, and other criteria in any combination. Specialized schedule management functions streamline routine tasks like schedule trades, and can even automatically find the best time to schedule meetings and training.

Figure 2: Paragraph 1, Page 2, reference B

## Schedules Your Way

TotalView Schedule Bidding automatically creates schedule patterns, based on user-defined settings, which reflect the way your operation runs. Averaging forecasted staff requirements over the selected time period, TotalView helps ensure you have the resources you need when creating patterns for multiple weeks.



Created patterns can be reviewed for evaluation of efficiency and cost before they are made available to employees for bidding. Any necessary changes to the patterns or available slots are accomplished quickly and easily with the IFX drag and drop scheduling interface.

Figure 3: Page 4, reference B; Page 5, reference A

TotalView Schedule Bidding also offers the flexibility you need to accommodate employees working specific schedules or groups of employees who must work the same days and times. Offering consistent weekly schedules to your full-time staff is also made easier by creating part time and/or overtime schedules to fill in any gaps.

## Schedule Assignment

After creating schedule patterns, employees select or bid for the schedules that best fit their desires. Based on bidding results and prioritization methods, employees are automatically assigned to a pattern. Individualized schedules are then created for the specified time period for distribution to your employees.

Reflecting your employees' desires in the scheduling process helps ensure the success of your operation. High employee morale sets the stage for delivering a positive service experience and increasing customer retention, as well as reducing costly employee turnover.

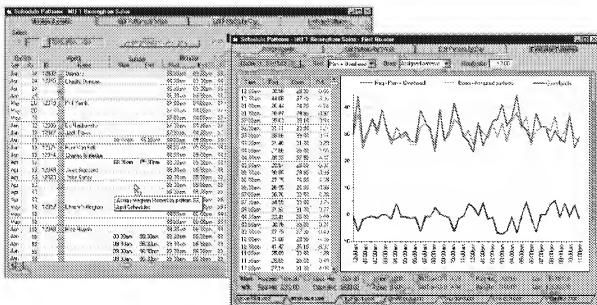


Figure 4: Page 4, reference B; Page 5, reference A - note tabs: Assign Agents, Edit Patterns by Week, Edit Patterns by Day, Evaluate Patterns

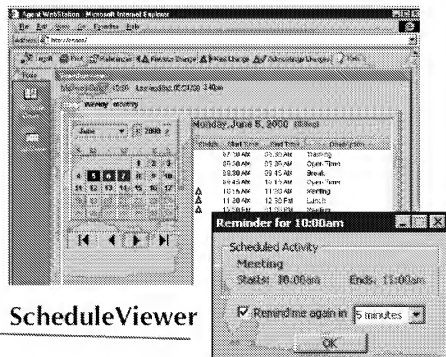


Figure 5: reference A, Page 3, ScheduleViewer

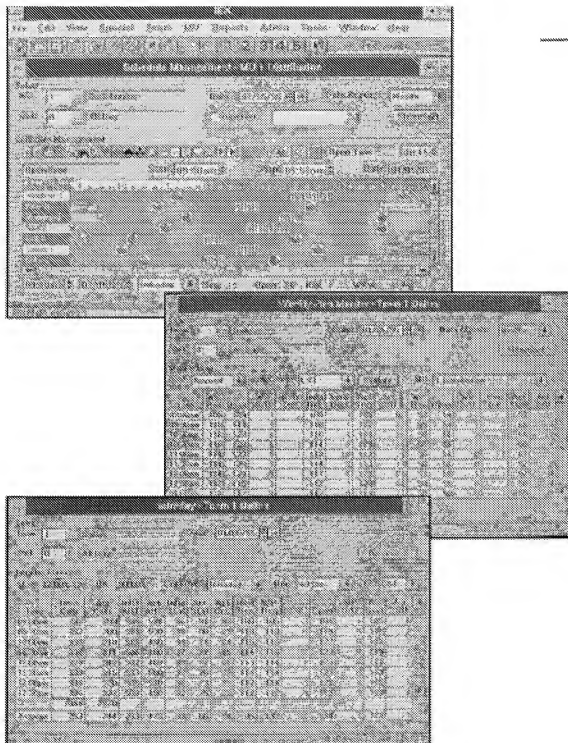


Figure 6: reference A, Page 19



Regarding Claim 2 IEX teaches a system and method further comprising identifying a sorting (order, filter, rank, etc.) preference(s) associated with a given schedule pattern set (reference B: Last Two Paragraphs, Page 1; Paragraph 1, Page 2; Paragraph 2, Page 8; Bullet 3, Page 3; reference A: Column 2, Paragraph 1, Page 19; Bullet 3, Page 4).

Regarding Claim 3 IEX teaches a system and method further comprising identifying (creating, defining, etc.) a new given schedule pattern (reference A: Column 1, Paragraphs 1-2, Page 5; Figures on Page 5 – see below; Column 2, Paragraph 2, Page 5; reference B: Paragraph 1, Page 1; Page 4) set and associated sorting preferences during the given timer period (reference B: Last Two Paragraphs, Page 1; Paragraph 1, Page 2; Paragraph 2, Page 8; Bullet 3, Page 3; reference A: Column 2, Paragraph 1, Page 19; Bullet 3, Page 4).

Regarding Claim 4 IEX teaches a system and method further comprising selecting a different schedule pattern set (reference A: Column 1, Paragraphs 1-2, Page 5; Figures on Page 5 – see below; Column 2, Paragraph 2, Page 5; reference B: Paragraph 1, Page 1; Page 4) and identifying a set of one or more bids associated with a different schedule pattern set during the given time period (reference A: Paragraphs 1-2, Bullets 3, 5, Page 4; Column 1, Paragraphs 1-2, Column 2, Paragraphs 1-2, Page 5; Paragraph 4, Page 10; Column 1, Paragraph 3, Column 2, Paragraph 3, Page 11;

reference B: Last Two Paragraphs, Page 1; Paragraph 2, Bullets 3, 6, Page 3; Column 1, Paragraphs 1-2, Page 4; Column 2, Paragraphs 1-2, Page 4).

Regarding Claim 5 IEX teaches a system and method wherein the entity ranks (orders, sorts, prioritizes, etc.) the set of one or more bids associated with the given schedule pattern set (reference B: Last Paragraph, Page 1; Last Paragraph, Page 7; Bullet 3, Page 3; reference A: Bullet 3, Page 4; Column 1, Paragraph 3, Page 11).

Regarding Claim 6 IEX teaches a system and method further comprising automatically ranking the set of one or more bids associated with the given pattern set (reference B: Last Paragraph, Page 1; Last Paragraph, Page 7; Bullet 3, Page 3; reference A: Bullet 3, Page 4; Column 1, Paragraph 3, Page 11).

Regarding Claim 10 IEX teaches a system and method further comprising a supervisor entity (manager, administrator, boss, company, business, etc.) determines the plurality of schedule pattern sets that are predetermined for the entity (reference A: Column 2, Paragraph 2, Page 15; Column 3, Paragraph 1, Page 17; Paragraphs 3-5, Page 10; Column 1, Last Paragraph, Page 11; Page 4; reference A: Pages 3-4).

Regarding Claim 11 IEX teaches a system and method wherein the first entity has a given status in the work environment that the second entity does not (skill, partial

agents, full-time, part-time, on vacation, available, etc.; reference A: Page 5; Figures on Page 5; Page 8; reference B: Page 11; Last Paragraph, Page 1; Figures on Page 4).

Regarding Claim 12 IEX teaches a system and method wherein the attribute is an employment status (skill, partial agents, full-time, part-time, on vacation, available, etc.; reference A: Page 5; Figures on Page 5; Page 8; reference B: Page 11; Last Paragraph, Page 1; Figures on Page 4).

Regarding Claim 13 IEX teaches a system and method wherein the attribute is a skill associated with the entity (reference A: Page 8; Paragraph 1, Bullet 1, Page 6; Page 7; reference B: Bullets 2-4, 6-8, Page 14).

Regarding Claim 14 IEX teaches a system and method wherein the attribute is a seniority level (reference A: Page 8; Bullet 3, Page 4; Paragraph 4, Page 10; Column 1, Paragraph 3, Page 11; reference B: Last Two Paragraphs, Page 1; Bullet 3, Page 3).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stannard, U.S. Patent No. 4,845,625 in view of O'Brien, U.S. Patent no. 6,587,831 and further in view of IEX.com Web pages (Feb 2002), herein after reference A.

Regarding Claim 1 Stannard teaches a method and apparatus operative in a work environment wherein entities to be scheduled each access a computer network using a client computer (Column 11, Lines 24-40; Figures 1, 4a), comprising:

- during a period of time each of a set of entities (e.g. flight personnel, system) irrespective of their seniority or ranking (priority, status, etc.) in the work environment (Stannard provides for all employees to define their bid/schedule priorities and preferences *irrespective* of the employees seniority or priority. While Stannard teaches that schedules *maybe assigned* to employees based on seniority/priority (Column 1, Lines 23-25) as a means for providing a seniority bias for schedule assignments this is vastly different from enabling employees to identify schedules/bids based on seniority/priority which Stannard and O'Brien clearly do not teach or suggest; Column 1, Lines 37-55) to use the client computer to:
  - identify a given schedule pattern set (Column 1, Lines 37-55); and

- identify one or more bids (offers, trades, etc.) with respect to one more schedules associated with the given schedule pattern set (Column 1, Lines 7-25; 37-47; Column 10, Lines 30-50);
- the scheduled pattern set being determined based on an attribute associated with the entity, wherein the first and second entities have access to the schedule sets view and bid on different schedule pattern sets (Column 1, Lines 37-55; Column 10, Lines 30-50);
- at the close of the time period, selecting a given set of the entities for scheduling with respect to the given schedule pattern set (Column 1, Lines 1-25, Column 11, Lines 24-41); and
- assigning the given set of entities to one or more (candidate) schedules associated with the give pattern set (Column 1, Lines 1-25, Column 11, Lines 24-41).

Stannard further teaches that the method and apparatus comprises a processor and code executable by the processor to implement the method steps (Figure 1).

While Stannard teaches that the method and apparatus for schedule bidding occurs during various period of time/periodically Stannard does not expressly teach a *given* period of time as claimed.

O'Brien teach a given time period for scheduling bidding and assignment (open/close, bidding period; Column 8, Lines 1-5; Claims 1k; 2kl) in an analogous art of entity scheduling.

More generally O'Brien teaches method and apparatus for schedule bidding comprising during a given time period (open/close) a set of entities using a client computer to identify a given schedule pattern set and to identify one or more bids with respect to one or more schedules associated with the given schedule pattern set (schedule templates, shift patterns; Column 2, Lines 6-15; Column 3, Lines 64-68; Column 7, Lines 53-68; Column 8, Lines 1-36; Figure 6) and assign a given set of entities to one or more schedules associated with the schedule pattern set (Column 1, Lines 44-56; Column 4, Lines 45-68; ).

O'Brien further teaches sorting/ranking bids (Column 8, Lines 17-37).

It would have been obvious to one skilled in the art at the time of the invention that the method and apparatus for scheduling entities as taught by Stannard would have benefited from utilizing a given time period for the schedule bidding process in view of the teachings of O'Brien, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Stannard does not expressly teach that the identified pattern is from a plurality of schedule pattern sets that are predetermined for the entity as claimed.

IEX teaches during a given time period, each of a set (group, location, call center, site, skill, full-time, part-time, etc.) of entities, irrespective of their seniority or ranking in the work environment, using an associated client computer to identify (determine, calculating, located, create, etc.) a plurality of schedule pattern (reference A: Column 1, Paragraphs 1-2, Page 5; Figures on Page 5 – see below; Column 2, Paragraph 2, Page 5), from a plurality of schedule pattern sets that are predetermined for the entity (reference A: Page 5), a given schedule pattern set and a set of one or more bids with respect to one or more schedules that are associated with that given schedule pattern set (vacations, holidays, etc.; agent schedule bidding; reference A: Paragraphs 1-2, Bullets 3, 5, Page 4; Column 1, Paragraphs 1-2, Column 2, Paragraphs 1-2, Page 5; Paragraph 4, Page 10; Column 1, Paragraph 3, Column 2, Paragraph 3, Page 11), the scheduled pattern sets being predetermined (e.g. created by supervising entity) based on an attribute (data, preferences, rules, parameters, etc.) associated with the entity (vacation, holidays, agent preferences, etc.; reference A: Column 2, Paragraph 1, Page 15; Paragraph 4, Page 10; Last 8 Bullets, Page 11;), wherein at least first/second entities having access to the schedule pattern sets views (e.g. Agent Webstation; ScheduleViewer; reference A: Bullet 1, Paragraphs 1-2, Page 2; Column 1, Figures on Page 3;).

More generally IEX teaches a system (reference A: Figure on Page 23) and method operative in a work environment (call center) wherein entities (agents, employees, staff) to be schedule access a computer network using a client computer (reference A: Page 23) comprising:

- at the close of the given time period using one or more processing devices to select a given set of entities for schedule with respect to the given schedule pattern set (reference A: Paragraph 3, Bullets 1-2, 5, 7, Page 4; Column 2, Paragraphs 1-2, Page 5; Page 8; Column 2, Paragraph 2, Page 13; Column 2, Paragraphs 1-2, Page 15; Column 2, Paragraph 1, Page 19; Figures on Page 19);

- using one or more processing devices to assign the given set of entities to one or more candidate (potential, what-if, planned, forecasted, options, alternatives, etc.) schedules that are associated with the given pattern set (reference A: Paragraph 3, Bullets 1-2, 5, 7, Page 4; Column 2, Paragraphs 1-2, Page 5; Page 8; Column 2, Paragraph 2, Page 13; Column 2, Paragraphs 1-2, Page 15; Column 2, Paragraph 1, Page 19; Figures on Page 19).

It would have been obvious to one skilled in the art at the time of the invention that the method and apparatus for scheduling entities as taught by the combination of Stannard and O'Brien would have benefited from utilizing a given time period for the schedule bidding process in view of the teachings of IEX, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 2 Stanndard teach a method further comprising an entity identifying a set of sorting preferences ("preferences and priorities") associated with the



given schedule pattern set (Column 1 Lines 37-59; Column 3, Lines 20-65; Column 6; Column 10, Lines 64-68).

Regarding Claim 3 Stannard teaches a method further comprising an entity identifying a new given schedule pattern set and an associated set of sorting preferences during the given time period (Column 3, Lines 20-30; Column 5, Lines 63-68; Column 6).

Regarding Claim 4 Stannard teaches a method further comprising an entity selecting a different schedule pattern set and identifying a set of one or more bids associated with the different schedule pattern during the given time period (Column 1, Lines 38-47; Column 3, Lines 20-30, 54-59).

Regarding Claim 5 Stannard teaches a method and apparatus wherein entities (e.g. flight personnel) define a priorities (ranking method) and preferences for schedule bids ("preferences and priorities"; Column 1, Lines 40-59; Column 3, Lines 20-65; Column 5, Lines 63-68; Column 6, Lines 1-10) and an entity (the system/apparatus) ranks (sorts, matches, recommends) the schedule bids based on the entities (flight personnels') ranking/prioritization preferences (Column 2, Lines 9-24; Column 6, Lines 13-20) – substantially the same as applicant's invention as disclosed in paragraphs 11 and 92.

Stannard further teaches that scheduling bidding, by employees, is old and very well known (Column 1, Lines 7-9).

While Stannard teaches that the method/apparatus ranks the schedule bids based on the flight personnel's priorities and preferences Stannard does not expressly teach that the entity of claim 1 (i.e. the flight personnel of Stannard) rank one or more bids associated with the given schedule pattern set as claimed.

Official notice is taken that entities ranking bids, using any number of ranking, sorting, or prioritization rules, approaches, or techniques, is old and very well known. For example a homeowner selling their home may receiving multiple bids (offers) for there house wherein the homeowner may rank the bids based on any number of criteria including but not limited to move-in date, offer amount, down payment, or any other of a plurality of terms of the sale.

It would have been obvious to one skilled in the art at the time of the invention that the method and apparatus as taught by Stannard with its ability to enable entities (flight personnel, managers, etc.) to define their own bid ranking/prioritization preferences would have benefited from enabling entities to rank one or more bids associated with a schedule in view of the teachings of official notice, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 6 Stannard teaches a method further comprising automatically ranking (sorting, prioritizing) the one or more bids associated with the given schedule pattern set (Column 1, Lines 39-47; Column 2, Lines 9-24; Figure 4a).

Regarding Claim 7 Stannard teaches a method and apparatus further comprising assigning a schedule to at least one entity that did not provide a bid for any (candidate) schedules associated with the given schedule pattern set (Column 1, Lines 55-59; Column 10, Lines 15-34, 63-68).

Regarding Claim 8 Stannard does not expressly teach that the method/apparatus further comprises deselecting a given set of entities for schedule with respect to the given schedule pattern set as claimed.

O'Brien teaches deselecting (selecting, flagging, marking, preselecting, etc.) a given set of entities for schedule with respect to the given schedule pattern set (Column 4, Lines 65-68; Column 5, Lines 1-7; Column 7, Lines 39-51; ) in an analogous art of entity scheduling.

It would have been obvious to one skilled in the art at the time of the invention that the method and apparatus as taught by Stannard would have benefited from deselecting a given set of entities for schedule with respect to the given schedule pattern set in view of the teachings of O'Brien, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 10 while it is old and very well known that supervisors (managers, employers, etc.) configure schedules/schedule patterns Stannard does not expressly teach a supervisor as claimed.

O'Brien teaches a supervisor entity configures the given schedule pattern set such that a first entity (employee) can view and bid on at least one schedule in the given schedule pattern set for which a second entity cannot view of end (e.g. employees can view/bid on schedules while non-employees (i.e. people without login/passwords) cannot bid on the schedules; Column 3, Lines 38-49; Column 4, Lines 25-28; Column 6, Lines 1-30, 44-47; Column 7, Lines 39-41; Column 9, Lines 10-17).

It would have been obvious to one skilled in the art at the time of the invention that the system and method as taught by Stannard would have benefited from enabling a supervisor to configure schedule pattern sets in view of the teaching of O'Brien et al.,

since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 11 Stannard teaches a first entity having a given status (type, user class,) in the work environment that the second entity does not share (e.g. PamAm pilots and pilots that do not work for PanAm; Column 4, Lines 50-59).

O'Brien also teaches a first entity having a given status (type, user class, etc.; e.g. manager) in the work environment that the second entity does not share (e.g. employees are not managers or casual vs. permanent employees; Column 3, Lines 38-49; Column 4, Line 18).

Regarding Claim 12 IEX teaches a system and method wherein the attribute is an employment status (skill, partial agents, full-time, part-time, on vacation, available, etc.; reference A: Page 5; Figures on Page 5; Page 8; reference B: Page 11; Last Paragraph, Page 1; Figures on Page 4).

Regarding Claim 13 IEX teaches a system and method wherein the attribute is a skill associated with the entity (reference A: Page 8; Paragraph 1, Bullet 1, Page 6; Page 7; reference B: Bullets 2-4, 6-8, Page 14).

Regarding Claim 14 IEX teaches a system and method wherein the attribute is a seniority level (reference A: Page 8; Bullet 3, Page 4; Paragraph 4, Page 10; Column 1, Paragraph 3, Page 11; reference B: Last Two Paragraphs, Page 1; Bullet 3, Page 3).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571.272.6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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